**We The People: The United States Constitution Review**

**Tyranny:** The unjust abuse of government power

**Declaration of Independence**: Authored by Thomas Jefferson, this document lays out the case for American independence, and lists the abuses King George III has inflicted upon the British Colonies.

Notable Quote: We hold these truths to be self-evident, that all men are created equal. That they are endowed by their creator with certain inalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness, that to secure these rights, governments are instituted among men, deriving their Just Powers from the Consent of the Governed.

**Inalienable (or Natural) Rights:** These are rights that are so fundamental they cannot be taken away by anyone or anything. John Locke listed the fundamental rights as “Life, Liberty, and Property.” Jefferson in the Declaration of Independence modifies them to be “Life, Liberty, and the Pursuit of Happiness.”

**John Locke’s *State of Nature:*** Locke wrote in his *Two Treatises on Government* about the “State of Nature” a condition where there are no laws, no order, and essentially chaos. In a state of nature, you have no natural rights; it is essentially a survival of the fittest. To overcome a state of nature, you must form a social contract, where all people agree to live under a certain set of rules. (Today, we call a social contract - *government*)

**The Purpose of Government:** According to John Locke, the purpose of government is to protect natural rights.

**“Consent of the Governed”:** The idea that government gets its power from your permission. YOU have to give the government permission to have power. Jefferson carries this further by arguing in the Declaration of Independence that when government is being abusive, you have the right to abolish, or overthrow the government.

**Constitutional Government:** government that is limited in its power by some framework.

**Republican Government:** government where the people elect representatives to serve their interests.

**U.S. Constitution:** Written in 1787, primarily by James Madison, it establishes the framework for all government in the United States

**Bill of Rights:** Proposed by Madison in 1789, they are the first ten amendments to the Constitution

The Constitution lays out the foundation of three branches of government. These Branches are:

**The Legislative Branch:** This branch makes the laws. This branch is called *Congress*. Congress has two parts:

**The House of Representatives:** 435 Members who serve for two year terms. You must be 25 years old to serve as a representative. The House is based on *proportional representation* or population. House members represent districts.

**The Senate**: 100 members who serve for six year terms. Every two years 1/3 of the Senate is up for reelection. You must be 30 years old to serve as a senator. The Senate is based on *equal representation* where all the states have 2 votes. The Senate has the added privilege of *Advise and Consent*, which means they advise the president and confirm many of the president’s decisions, such as Supreme Court Justices, foreign treaties, cabinet members.

**The Executive Branch:** This branch enforces the laws. The Chief Executive of the United States is also known as the president. You must be 35 years old to serve as president. You may serve two 4-year terms, for a total of 8 years.

**The Electoral College:** The Manner in which we elect a president. Based on the total number of representatives and senators each state has. You need 270 votes out of 538 to be elected president

**The Judicial Branch:** This branch interprets the laws. The highest court in the land is the United States Supreme Court. Nine members serve on the court and are appointed for life.

***Marbury vs. Madison*:** 1803 Supreme Court decision that establishes the Court’s power of judicial review – the power to declare acts and laws of Congress and the President unconstitutional

**Checks and Balances**: The three branches operate with a system of checks and balances, which means that our government is designed that no one branch can overpower the others.

**The Supremacy Clause:** found in the Constitution, it establishes the Federal Constitution as the highest law in the nation.

**Federalism:** power is balanced between two levels of government. In the United States our federal system balances power between the Federal Government and State Government

**First Amendment:** You have freedom of speech, freedom to worship, freedom of the press, the right to assemble, and the right to petition the government for a redress of grievances (you have the right to complain to the government if you feel your rights are violated.)

**Second Amendment:** You have the right to bear arms (own a gun).

**Third Amendment:** You are protected from having to quarter (keep) soldiers in your home.

**Fourth Amendment:** You are protected against unlawful searches and seizures.

**Fifth Amendment:** You are protected against self-incrimination, and guaranteed due process at the ***FEDERAL LEVEL*.** You are protected against being tried for the same crime twice (Double Jeopardy)

**Sixth Amendment:** You are guaranteed a right to a speedy trial by an impartial jury of your peers and the right to confront the witnesses against you, and the right to counsel (an attorney)

**Seventh Amendment:** The right to a trial by jury shall be preserved when damages exceed twenty dollars

**Eighth Amendment:** You are protected against cruel and unusual punishment

**Ninth Amendment:** Declares that the people have rights beyond those expressly mentioned in the Constitution

**Tenth Amendment:** Declares that rights not specifically given to the federal government remain with the states and the people.

**Habeas Corpus:** Meaning *To Have the Body*,you have the right to be made aware of the charges against you. If you are not charged after a certain period of time, the authorities have to let you go.

**Miranda Rights:** Established by the Fourth, Fifth, Sixth, Seventh, and Eighth Amendments and the right of *Habeas Corpus* to protect your rights when you are arrested. First defined in the Supreme Court decision *Miranda vs. Arizona*.

**Virginia Plan:** Called for two houses of Congress and a strong national government based on population or proportional representation.

**New Jersey Plan:** Called for a weak national government and one house of Congress based on equal representation

**The Great Compromise:** Established the government of the United States has having two houses and a strong national government: The House of Representatives and the Senate. It was a compromise between the Virginia and New Jersey Plans

**Thirteenth Amendment:** Outlaws Slavery

**Fourteenth Amendment:** Guarantees due process at ***STATE LEVEL***

**Fifteenth Amendment:** Guarantees the right to vote

**Nineteenth Amendment:** Grants the right to vote to women

**Twenty-Second Amendment:** Limits the president to two four-year terms

**Twenty-Sixth Amendment:** Guarantees the right to vote to anyone over the age of 18.

**Three-Fifths Clause:** A compromise on the issue of slavery stating that blacks would count as 3/5th’s of a person. South supported counting blacks as whole people while the North was opposed to it. This compromise prevented the South from completely dominating the House of Representatives

**The Anti-Federalists**: Prominent Americans who were opposed to the ratification of the U.S. Constitution. Feared strong central government and proposed a Bill of Rights to protect individual rights

**The Federalists**: Supporters of the new Constitution they argued for strong national government and were against the Bill of Rights, believing protections for individuals currently existed in the Constitution

**The Federalist Papers:** Written by James Madison, Alexander Hamilton, and John Jay to support the argument for ratifying the Constitution.

**Federalist Number 10:** James Madison warns against factions or political parties. He argues that America is so large and diverse that parties should not be able to form.

**Federalist Number 51:** Madison states that “if men were angels there would be no need for government,” but because they are imperfect, we need a system of checks and balances to control government.

Key Concepts

1. Federalism: how it is defined and organized in the United States
2. Proportional vs. Equal Representation
3. The Supremacy Clause
4. The Virginia Plan, the New Jersey Plan, and the Great Compromise
5. *Miranda vs. Arizona* and the Miranda Rights
6. The Branches of Government, their roles and powers
7. The Five Freedoms of the First Amendment
8. The Role of Slavery in the Constitution
9. *Federalist 10*
10. Presidential Elections